

REMARKS

Claims 49, 63-71, 77-81, 83, 88, 89, 91 and 92 are pending in the present application.

Request for Interview with Examiner

Applicant's representative respectfully requests an Interview with the Patent Examiner before the Examiner issues any further Office Action in connection with this application. Applicant's representative will contact the Examiner within about one month to schedule the Interview. In any case, if the Examiner has "docket pressure" to act on this application before an Interview can be arranged, it is respectfully requested that the Examiner not make the next Office Action "final" since the purpose of filing this Request for Continued Examination (RCE) is to determine whether Applicant can provide any additional evidence or claim changes to support the patentability of the present claims, and such evidence or claim changes would very likely not be entered or considered if submitted after a "final" Office Action.

Advisory Action of June 23, 2010

In the Advisory Action issued June 23, 2010, the Examiner stated that,

Even though the active compound in Ottosen ['744 (WO 2001/05744)] is an amino compound instead of the nitro group, the prima facie case still stands to the strength of the motivation to combine Ottosen ['744] and Revesz ['447 (WO 2002/76447)] as shown in the previous action. Additionally, the results are not unexpected enough in order to overcome the prima facie case of obviousness.

First, it is respectfully submitted that the remarks provided in the Amendment filed June 8, 2010 not only clearly establish the significant structural distinctions between the present invention and the compounds in both Ottosen '744 and Revesz '447, but there does not appear to be any reasonable evidence in the present record for one skilled in the art to modify the compounds of Ottosen '744 based on selected structural features from the compounds of Revesz '447. In fact, as pointed out in the remarks of the June 8th Amendment, which are deemed repeated herein, there is evidence in the record to indicate that one skilled in the art would not desire to modify the compounds of Ottosen '744 in the direction of the compounds of the present invention. It


also appears that the Examiner has simply failed to take into account the unpredictability associated with the assumptions made by the Examiner in modifying prior art compounds to obtain the presently claimed compounds. Applicant's representative would like to clarify his understanding of the positions taken by the Examiner concerning the scope of the prior art, the level of one skilled in the art, the unpredictability associated with the prior art compound structures, and the scope of the present claims at the Interview.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: July 9, 2010

Respectfully submitted,

By 
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